

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AUGUSTINE GUTIERREZ, et al.,

Plaintiffs,

vs.

No. CIV-08-0990 KBM/LAM

**BOARD OF COMMISSIONERS OF THE
COUNTY OF EDDY, et al.,**

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

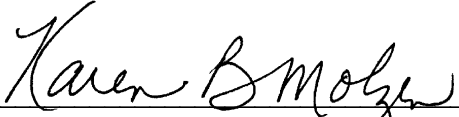
_____ **THIS MATTER** is before the Court on the Magistrate Judge's *Sealed Proposed Findings and Recommended Disposition* (Doc. 214), filed on September 9, 2010. The parties have waived their right to object to the recommended disposition pursuant to 28 U.S.C. § 636(b)(1).

IT IS THEREFORE ORDERED that:

- (1) The Magistrate Judge's *Sealed Proposed Findings and Recommended Disposition* (Doc. 214) is **ADOPTED**;
- (2) The *Motion to Approve Settlement on Behalf of Minors* (Doc. 195) is **GRANTED**;
- (3) Plaintiffs shall diligently complete proceedings in the New Mexico District Court to establish a conservatorship for the children;
- (4) The Court shall retain jurisdiction over the settlement agreement to resolve any disputes regarding the disbursement of the settlement proceeds until the conservatorship for the minor children is established in the state district court, and the GAL shall notify the Court when the conservatorship has been established; and

- (5) The guardian *ad litem*'s fees and costs described in the ***Guardian Ad Litem Fees and Costs*** (*Doc. 211*), are **APPROVED** as fair and reasonable, and that said fees and costs shall be paid by Plaintiffs and Defendants in equal amounts and not out of the minor children's settlement proceeds, **within fifteen (15) days** after entry of this order.

IT IS SO ORDERED.



THE HONORABLE KAREN B. MOLZEN
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent